

Department of Justice Issues Guidelines for Law Enforcement and Schools to Address Intimidation and Hate Speech

In light of the discovery of KKK recruitment fliers in some areas of southern Delaware, Attorney General Matt Denn is reissuing guidance to [law enforcement](#) and [school authorities](#) for addressing threats and intimidation that he had originally issued in 2016. The purpose of the guidance letters is to ensure that law enforcement and school authorities are taking all legally permissible steps to address hate speech and other forms of threats and intimidation.

The Law Enforcement Guidance outlines for law enforcement the ways that the state's terroristic threatening and disorderly conduct laws can be used to address certain incidents of threats and epithets, as well as the way that the state's hate crime statute provides enhanced penalties for other crimes that are motivated by bias. The guidance notes that "it is permissible for law enforcement agencies to charge a person with disorderly conduct, even in the absence of an explicit threat, if that that person specifically directs an abusive epithet, inherently likely to provoke a violent reaction, at an identifiable victim with the intent of annoying or alarming that victim."

The School Guidance outlines for school authorities the broad authority they have to regulate derogatory speech in their schools – along with speech posted on social media – that is directed at specific students or groups of students if that speech could cause disruption in the educational environment.

Denn said that any Delawareans who believed that they were victims of threats or intimidation based on their personal characteristics and were not receiving an appropriate response from law enforcement or school authorities could contact the Department of Justice Office of Civil Rights and Public Trust at 302-577-5400.